

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**IODAPT, LLC,**

**Plaintiff,**

**v.**

**D-LINK SYSTEMS INC.,**

**Defendant.**

**CIVIL ACTION NO. 2:15-cv-237**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

1. This is an action for patent infringement in which IODapt, LLC (“IODapt” or “Plaintiff”), makes the following allegations against D-Link Systems Inc. (“D-Link” or “Defendant”).

**PARTIES**

2. Plaintiff is a Texas limited liability company with its principal place of business at 1333 W. McDermott Drive, Suite 241, Allen, Texas 75013. IODapt’s president is Daniel F. Perez.

3. On information and belief, D-Link is a California corporation with its principal place of business at 17595 Mt. Herrmann St., Fountain Valley, CA 92708. On information and belief, D-Link does not appear to have a Registered Agent for service of process in Texas.

**JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

6. On information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at

least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 8,402,109**

7. Plaintiff is the owner by assignment of the valid and enforceable United States Patent No. 8,402,109 (“the ‘109 Patent”) entitled “Wireless Router Remote Firmware Upgrade” – including all rights to recover for past and future acts of infringement. The ‘109 Patent issued on Mar. 19, 2013. A true and correct copy of the ‘109 Patent is attached as Exhibit A.

8. Upon information and belief, Defendant directly or through intermediaries, including its distributors, employees, divisions, branches, subsidiaries, parents, suppliers and/or customers, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems (the “infringing products/systems”) that infringe or, when used by their intended users in the manner intended by D-Link, infringe(d) one or more claims of the ‘109 Patent in the State of Texas, in this judicial district, and elsewhere in the United States. On information and belief, these products include – but are not limited to – D-Link’s DIR-655 Wireless Router systems.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that Defendant has directly infringed the ‘109 Patent;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement of the ‘109 Patent;

c. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the '109 Patent as provided under 35 U.S.C. § 284;

d. An award to Plaintiff for enhanced damages resulting from the knowing and deliberate nature of Defendant's prohibited conduct with notice being made at least as early as the filing of this Complaint, as provided under 35 U.S.C. § 284;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

f. Any and all other relief to which Plaintiff may show itself to be entitled.

Dated: February 20, 2015

Respectfully Submitted,

**IODAPT, LLC**

By: /s/ Ronald W. Burns

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**ATTORNEYS FOR PLAINTIFF  
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